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April 4, 2022

Via ECF

Hon. Loretta A. Preska  
U.S. District Court, S.D.N.Y.  
500 Pearl Street, Courtroom 12A  
New York, NY 10007

Re: *Hesse, et al. v. Godiva Chocolatier, Inc.*, No. 1:19-cv-0972-LAP

Dear Judge Preska:

Plaintiffs Steve Hesse and Adam Buxbaum ("Plaintiffs") and Defendant Godiva Chocolatier, Inc. ("Godiva") (collectively, "the Parties") respectfully submit this joint letter proposing the following three *cy pres* recipients: (1) the National Consumer Law Center ("NCLC"), (2) The Center for Science in the Public Interest ("CSPI"), and (3) the National Advertising Division of the Better Business Bureau ("NAD"). The Parties believe that any of these organizations would be appropriate recipients of the unclaimed funds in this case.

As set forth in the attached declarations submitted herewith, all of these organizations are dedicated to protecting consumer rights and the amelioration of false advertising, have been previously approved by courts as *cy pres* recipients in similar litigation, and have promised that any *cy pres* award will be used only to advance consumer rights and the amelioration of false advertising. *See* Declaration of Richard Dubois (on behalf of NCLC); Declaration of Peter Lurie (on behalf of CSPI); and Declaration of Laura Brett (on behalf of NAD).

The Parties are happy to provide additional information regarding these entities should the Court request it.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Timothy J. Peter', written over a horizontal line.

Timothy J. Peter

*Counsel for Plaintiffs*

A handwritten signature in blue ink, appearing to read 'Dennis C. Hopkins', written over a horizontal line.

Dennis C. Hopkins

*Counsel for Defendant*

cc: All counsel of record (via ECF)